

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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December 12, 2003

TO: Internal File

THRU: Dave Darby, Senior Reclamation Hydrologist/Team Lead

FROM: Dana Dean, P.E., Senior Reclamation Hydrologist/Inspector

RE: 2003 Midterm Review, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #1782

### **SUMMARY:**

The Division initiated a midterm review of the Emery Deep Mine via correspondence with Mr. John A. Gefferth of Consolidation Coal Company on September 16. The letter outlined the following elements as those selected for review:

- "1. An AVS check to ensure that Ownership and Control information is current and correct.*
- 2. A review to ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program, which have occurred subsequent to permit approval (One area of emphasis is to ensure compliance with the U. S. Fish and Wildlife Windy Gap Process).*
- 3. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the plan document.*
- 4. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.*
- 5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars*

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6. *The Division may conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.”*

Division representatives conducted a site visit on October 23.

The Division found deficiencies and asked the Permittee for more information on October 29. The Permittee responded with new information on December 1.

This memo addresses items 1, and 3.

**TECHNICAL ANALYSIS:**

## **GENERAL CONTENTS**

### **IDENTIFICATION OF INTERESTS**

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

**Analysis:**

The ownership and control information is in appendix I-1 of the mining and reclamation plan (MRP). As part of the amendment to abate N03-39-1-1, the Permittee provided updated ownership information. The Division’s Technical Analysis found that the narrative in Chapter I did not reflect the new information found in Appendix I-1. The Permittee updated page 6 of Chapter I in an amendment submitted September 12.

Consol Energy is currently in the process of selling the Emery Deep Mine to C&P Coal Company. C&P has filed a request for transfer of the permit.

**Findings:**

The Permittee has complied with the Identification of Interests section of the regulations.

## **VIOLATION INFORMATION**

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

### **Analysis:**

The Division issued a notice of violation (NOV) to the Emery Deep Mine on January 9, 2003 for allowing coal fines to blow onto the undisturbed area (N03-39-1-1). The Permittee is still working on the implementation of the abatement plan. However, a plan was the only requirement to terminate the NOV. The Division terminated the violation on November 5. The current Permittee (Consol Energy) has committed to complete the abatement plan, even if the sale goes through before it is finished. The current abatement plan calls for the addition of a wind fence, placing jersey barriers between the coal pile and road, re-routing the road, installation of a cattle guard where fines can fall out of wheels before leaving the property, and water cannons to spray the coal pile when winds are high.

### **Findings:**

The Permittee has complied with the Violation Information section of the regulations.

## **SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL**

Regulatory References: 30 CFR 773.17; R645-300-140; R645-300-145.

### **Analysis:**

The Division issued the current permit on February 8, 2001. It expires February 8, 2006. There is one stipulation attached to the permit, that Consolidation Coal Company submit water monitoring data for the mine **electronically** through the Division's Electronic Data Input (EDI) page at <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>. The Permittee has complied with the stipulation.

### **Findings:**

The Permittee has complied with the Special Conditions or Stipulations to the Permit Approval section of the regulations.

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**RECOMMENDATIONS:**

The Division should approve the Midterm Review. However, since a complete copy of the MRP is not available on-site, the Permittee should obtain one as soon as possible to keep updated on-site.

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